



Disclosure Request Obligations: Post-Registration Data Policy

ICANN Contractual Compliance

Agenda

Disclosure Request Obligations: Post-Registration Data Policy

- Summary of Requirements
- Contractual Compliance Observations:
 - Publication Requirements
 - Review & Response Requirements
- Impact of Privacy and Proxy Registrations
- Enforcement Metrics
- Audit Testing

Requirements Related to Request for Disclosure

- Publish the contracted party's mechanism and process for submitting Disclosure Requests, including all minimum requirements (mandated by the Policy).
- Consider properly-formed Disclosure Requests on their merits, **including the specific rationale and asserted basis.**
- Respond to each Disclosure Request that meets the contracted party's respective required format within the required timeframe.
 - Provide the requested data; or
 - Provide rationale for the denial that identifies the specific reason(s), including a **clear explanation** of how it arrived at its decision that is **sufficient for a requestor to objectively understand the reasons** for the decision, and if applicable an analysis and explanation of how the fundamental rights and freedoms of the data subject were weighed against the legitimate interest of the requestor.

Observations re: Publication Requirements

Observed compliance issues:

- Publication is missing from contracted party's webpage.
- Publication is not linked directly from contracted party's homepage (e.g., requires multiple links to navigate to the page).
- Submissions limited beyond meeting the required format or content (e.g., Disclosure Requests can only be submitted by LEA, only used to report illegal activity, etc.).
- Anticipated response time and/or minimum required format/contents excluded from publication (Sections 10.1-10.2).
- Publication has not been updated to reflect current requirements (post 21 Aug. 2025).

Some contracted parties may not process personal data subject to Disclosure Requests, e.g., registry operator that does not receive/process non-public Registration Data.

→ Required publication may explain how it handles Disclosure Requests under such circumstances.

Observations re: Review & Response Requirements

Note: Compliance does not review disclosure decisions rendered by contracted parties. Compliance review is limited to procedural obligations set forth in Sections 10.3 through 10.6.

Observed compliance issues:

- Contracted party limits consideration of Disclosure Request by requestor or request type (e.g. LEA).
- Response is not provided to requestor for Disclosure Request that meets the contracted party's required format.
- Denial explains only general review process that does not include specific reason for the denial and/or clear explanation how it made its denial decision.
- Denial includes the reason but fails to provide information sufficient to allow an objective requestor to understand why such decision was rendered, e.g. denial states:
 - Jurisdictional law prohibits disclosure, without reference or citation on what law(s) apply.
 - Legitimate interest balancing test applied, without analysis and explanation.

Reminder: review and response requirements apply to all Disclosure Requests, notwithstanding any subsequent revised processes following a remediation.

Disclosure Requests for Privacy/Proxy Registrations

Significant number of Disclosure Request related complaints involve domains registered using Privacy or Proxy Services.

Proxy Service: the proxy service provider is the registered domain name holder (registrant), which provides alternative, reliable contact information in RDDS. The proxy service provider licenses use of the domain name to the customer via its agreement with the customer.

- Proxy Service is currently out of scope of Disclosure Request obligations.
- Approx. 27% of complaints closed because registration utilized Proxy Service (out of scope).

Privacy Service: customer is the registered domain name holder (meaning that the customer is the registrant). Alternative, reliable contact information is published by the service provider in the RDDS.

- Disclosure requirements apply to the redacted information in RDDS, e.g. “Registrant Name” (identity).
- Approx. 21% closed complaints utilizing Privacy Service (limited scope to non-public registration data).

Enforcement - Disclosure Request Obligations

Metrics on complaints received 1 September 2025 - 31 March 2026:

- 77 complaints received related to requests for non-public registration data:
 - 47 closed as out of scope (e.g., no evidence of disclosure request submitted, full proxy data published in RDDS, requested evidence not provided).
 - Four pending review by ICANN or response from the reporter.
- 26 resulted in registrar investigations.
 - 21 of those included investigation of publication requirements.

2025 Registrar Audit - Disclosure Requests

- Registrar Audit launched in July 2025 included requests for information regarding disclosure request obligations (full test criteria provided in Appendix A)

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Appendix A: 2025 Registrar Audit

Compliance checks in the 2025 Registrar Audit included requests for information regarding disclosure request obligations, ensuring that:

- Registrar has implemented Section 10 (i.e., not still applying Temp Spec).
- Confirmation that the registrar's process includes:
 - Consideration of all properly-formed Disclosure Requests.
 - Responses to all Disclosure Requests that meet the registrar's required format.
 - Compliant timeline for responding, including acknowledgement and response (may include extension under exceptional circumstances).
- Registrar publishes on its website a direct link to a page where it describes the mechanism and process for submitting Disclosure Requests (review to ensure compliance).
- Analysis of sample denial (if applicable) to ensure it includes required detail in compliance with Section 10.6.2.